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Washington, Tuesday, April 12, 1938

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

MODIFICATION OF EXECUTIVE ORDER NO. 7387 OF JUNE 15, 1936,
RESERVING NAVAL STATION, BALBOA, CANAL ZONE

By virtue of and pursuant to the authority vested in me by section 5 of title II of the Canal Zone Code, approved June 19, 1934, and as President of the United States, it is ordered that Executive Order No. 7387 of June 15, 1936, be, and it is hereby, modified to the extent that the naval reservation established thereby shall hereafter be known as "Naval Radio Station, Balboa, Canal Zone", and shall be assigned to the uses and purposes of a naval radio station and to such other naval uses and purposes as the Secretary of the Navy may determine.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
April 7, 1938.

[No. 7862]

[F. R. Doc. 38-1018; Filed, April 8, 1938; 3:13 p. m.]

EXECUTIVE ORDER

ESTABLISHING PEA ISLAND MIGRATORY WATERFOWL REFUGE

North Carolina

By virtue of and pursuant to the authority vested in me as President of the United States and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that all lands owned or controlled by the United States within the following-described area in Dare County, North Carolina, be, and they are hereby, reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that any private lands within the area described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

Beginning at a point on the north end of Pea Island on the south shore of Oregon Inlet, from which point a U. S. Biological Survey standard concrete post set for a witness corner bears south, 0.50 chain distant;

Thence from said initial point, along the east side of Pea Island, with the meanders of Oregon Inlet and the

Atlantic Coast, N. 81°29' E., 7.72 chains; S. 82°11' E., 10.81 chains; S. 71°52' E., 12.00 chains; S. 28°29' E., 20.00 chains; S. 28°53' E., 26.43 chains; S. 31°14' E., 20.33 chains; S. 36°56' E., 12.57 chains; S. 32°43' E., 20.00 chains; S. 31°34' E., 40.71 chains; S. 28°12' E., 80.00 chains; S. 32°07' E., 8.59 chains; S. 20°59' E., 40.00 chains; S. 23°06' E., 15.21 chains; S. 16°20' E., 37.87 chains; S. 16°21' E., 215.39 chains; S. 14°24' E., 50.00 chains; S. 5°58' E., 40.00 chains; S. 8°29' W., 17.80 chains, to a point on the south end of Pea Island on the north shore of New Inlet;

Thence crossing New Inlet, S. 31°58' E., 12.30 chains, to a point on the northeast corner of Chicamacomico Island;

Thence along the east side of Chicamacomico Island with the meanders of the Atlantic Coast, S. 5°31' E., 29.27 chains; S. 9°53' E., 80.11 chains; S. 13°30' E., 80.31 chains; S. 10°35' E., 62.50 chains; S. 14°17' E., 40.00 chains; S. 12°58' E., 40.00 chains; S. 7°58' E., 21.53 chains, to a point from which a U. S. Biological Survey standard concrete post set for a witness corner bears S. 81°40' W., 2.00 chains distant;

Thence inland, crossing Chicamacomico Island, S. 81°40' W., 41.76 chains, to a point on the west side thereof on the east shore of Pamlico Sound, from which point a U. S. Biological Survey standard concrete post set for a witness corner bears N. 81°40' E., 0.10 chain distant;

Thence with four courses in Pamlico Sound, west, 40.00 chains to a point; N. 19°51' W., 455.00 chains to a point from which the southwest corner of Jack Shoal bears east 40.00 chains distant; N. 17°32' W., 563.00 chains to a point; east, 80.00 chains to the place of beginning.

Those lands within the area described above which are in use as Coast Guard Stations shall remain under the primary jurisdiction of the Treasury Department, and their reservation as a wildlife refuge shall be subject at all times to use by that Department for Coast Guard purposes; and the enforcement of law by the Department of Agriculture shall be without interference with any existing or future regulations of the Treasury Department concerning the administration of those lands.

This reservation shall be known as the Pea Island Migratory Waterfowl Refuge.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
April 8, 1938.

[No. 7864]

[F. R. Doc. 38-1026; Filed, April 9, 1938; 11:44 a. m.]



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TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49503]

MARKING OF COUNTRY OF ORIGIN—PRODUCTS OF AUSTRIA

ARTICLES MANUFACTURED OR PRODUCED WITHIN THE TERRITORY WHICH COMPRISED THE REPUBLIC OF AUSTRIA TO BE MARKED TO INDICATE GERMANY AS THE COUNTRY OF ORIGIN

APRIL 8, 1938.

To Collectors of Customs and Others Concerned:

Under date of April 5, 1938, the Department of State advised the Treasury Department that for all practical purposes the disappearance of the Republic of Austria as an independent state and its incorporation in the territory of the German Government must be accepted as a fact.

In the circumstances, articles manufactured or produced within the territory which comprised the Republic of Austria shall, when imported after the expiration of sixty days from the date of publication of this decision in the weekly Treasury Decisions, be marked, pursuant to the provisions of section 304 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1304), to indicate Germany as the country of origin of such merchandise. Articles manufactured or produced within the territory referred to which are imported on or after April 5, 1938, and before the expiration of the said sixty-day period may be marked to show either Austria or Germany as the country of origin.

[SEAL]

FRANK DOW,

Acting Commissioner of Customs.

[F. R. Doc. 38-1033; Filed, April 11, 1938; 12:04 p. m.]

Bureau of Internal Revenue.

[T. D. 4799]

PRODUCTION, FORTIFICATION, TAXPAYMENT, ETC., OF WINE AMENDMENT OF REGULATIONS NO. 7

To District Supervisors and Others Concerned:

Paragraphs 71 and 77 of Treasury Department Regulations No. 7, relative to the production, fortification, taxpayment, etc., of wine, approved October 6, 1937, are amended to read as follows:

PAR. 71. *Sweetening for fortification.*—Natural wine, ameliorated in accordance with paragraph 70, may, prior to fortification, be sweetened with cane sugar or beet sugar or pure condensed grape must. Natural wine, to which no sweetening agents have been added, may, prior to fortification, be sweetened with cane sugar or beet sugar or pure condensed grape must. The cane sugar or beet sugar added shall not be in excess of 11 per cent of the weight of the wine.

PAR. 77. *Sweetening for fortification.*—Fruit and berry wine, ameliorated in accordance with paragraph 76, may, prior to

fortification, be sweetened with cane sugar or beet sugar or pure condensed must of the fruit or berry used in manufacturing the wine. Fruit and berry wine which has not been ameliorated may, prior to fortification, be sweetened with cane sugar or beet sugar, or pure condensed must of the fruit or berry used in manufacturing the wine. The cane sugar or beet sugar added shall not be in excess of 11 per cent of the weight of the wine.

[SEAL]

MILTON E. CARTER,

Acting Commissioner of Internal Revenue.

Approved April 7, 1938.

ROSWELL MAGILL,

Acting Secretary of the Treasury.

[F. R. Doc. 38-1027; Filed, April 9, 1938; 12:19 p. m.]

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

[Health Order No. 492]

RULES AND REGULATIONS FOR THE ADMISSION OF PATIENTS INTO INDIAN HOSPITALS AND SANATORIA

JANUARY 10, 1938.

To Superintendents, Physicians, and Others Concerned:

The following rules and regulations are issued under authority of Title 5 U. S. C. 485; Title 25 U. S. C. 2, 9, 13 and 31.

1. Hospitals and sanatoria maintained and operated by the Indian Service from gratuity funds are for the hospitalization and treatment of Indians who are recognized as the responsibility of the Federal Government.

2. Persons who are in need of hospitalization and who are enrolled Indians, recognized members of a tribe, and who are unable to provide such hospitalization from their own funds, may be admitted to such institutions.

3. In the order of priority, provided the individual is eligible as set forth in paragraph two, consideration should be given first to the emergency or necessity for hospitalization; second, to the degree of Indian blood of the individual; and, third, to his ability to pay.

4. Preference should be given to those of a higher degree of Indian blood. Nonresidents, who return to the reservation for the purpose of receiving free services and hospitalization and who otherwise do not have any interest in the reservation or who do not participate in tribal affairs, are not entitled to hospitalization as a matter of right, but only as a matter of courtesy based on the decision of the superintendent. The superintendent has authority to deny such applicants hospitalization when the facilities are needed for members residing within the reservation; and, likewise, the superintendent has a right, and is hereby authorized, to make a charge for hospitalization to nonresidents when they are in a position to pay the daily cost of operation.

5. Indian employees of the Indian Service, who receive a salary of \$1620 per year or more, and members of their families, shall be required to pay for hospitalization at the average cost per patient-day based on the daily per capita figure for the preceding year; but any extra facilities or services required, such as are not provided at the hospital, shall be paid for by the patient. Those receiving less than \$1620 per year shall pay one-half the full rate.

6. All other employees of the Service, regardless of salary, and dependent members of their families, when admitted as patients, shall be required to pay at the full rate indicated in the previous section. Admission of such persons as patients should be held strictly to emergency cases or cases where private hospitals are not available. No employee shall be hospitalized in an Indian Service hospital removed from the jurisdiction where he is employed, without Indian Office approval. The courtesy rate of \$1 per day for any employee, white or Indian, or members of their families, is hereby abrogated.

Failure to make payment within a reasonable time by either Indian or white employees should be reported to the Washington Office for instructions. See Circular No. 2982, dated February 13, 1934, and Amendment No. 1, dated April 26, 1935, for instructions as to the collection and deposit of such charges.

7. The white wife of an Indian shall be eligible to hospitalization and medical services on the same basis as an Indian by reason of the fact that her husband is legally responsible to provide same; and he being an Indian, and government facilities being available, they may be extended to the wife.

8. An Indian wife and children of a white husband are not entitled to such facilities, except where they maintain a permanent home on the reservation and participate in tribal affairs. Since the husband is a white man and is legally responsible for his wife and family and not being a member of a tribe, he has no right to expect free services for himself or his family, except as indicated in this paragraph.

9. Any Indian child being educated in a government boarding or day school or for whom tuition is being paid by the government is entitled to hospitalization.

10. Indian women, who are widows of whites or of non-restricted Indians and who maintain a residence on the reservation and are considered members of a tribe, shall be eligible for hospitalization.

11. Since our facilities are limited and the demand for hospitalization is more than can be supplied, superintendents shall follow these rules in determining those who are eligible for hospitalization. It must be realized that this Office at this distance can not make these decisions. The superintendent and the physician have all the facts before them, know the needs of the patient, his status, and his circumstances, and they are expected to assume the responsibility for making the decision in each case.

12. As indicated above, these rules apply to hospitals and sanatoria supported and paid for from gratuity appropriations. In the case of hospitals operated exclusively from tribal funds, all recognized members of the tribe, regardless of other considerations, are entitled to hospitalization and treatment. It is believed proper to indicate, however, that resident and active members of the tribe should be given preference over those who have established homes elsewhere and only consider themselves members because of certain benefits available to them.

13. These rules and regulations will not apply to the Indians of the Five Civilized Tribes jurisdiction. Until otherwise notified, the present requirements for admission in that area will be followed.

14. Indian Office Order No. 416, dated June 21, 1933, and Circular No. 2942, dated August 23, 1933, including Amendment No. 1 thereto, dated November 20, 1934, are hereby abrogated.

WILLIAM ZIMMERMAN, Jr.,

Acting Commissioner.

Approved: March 10, 1938.

OSCAR L. CHAPMAN,

Assistant Secretary.

[F. R. Doc. 38-1029; Filed, April 11, 1938; 9:56 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[ACP-1938-6]

1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 5

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1938 Agricultural

Conservation Program Bulletin, as amended February 19, 1938,¹ is hereby further amended as follows:

Subsection B of Section I is hereby further amended by the addition of the following:

2. The State restoration land goals are as follows:

Colorado.....	1,375,000 acres.
Kansas.....	750,000 acres.
Montana.....	875,000 acres.
Nebraska.....	425,000 acres.
New Mexico.....	150,000 acres.
North Dakota.....	1,025,000 acres.
Oklahoma.....	300,000 acres.
South Dakota.....	550,000 acres.
Texas.....	425,000 acres.
Wyoming.....	125,000 acres.

Done at Washington, D. C., this 8th day of April, 1938.
Witness my hand and the seal of the Department of Agriculture.

[SEAL]

HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 38-1025; Filed, April 9, 1938, 11:11 a. m.]

[Docket No. A-68 O-68]

NOTICE OF HEARING RE AMENDMENT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING IN INTERSTATE COMMERCE AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS, OR AFFECTS INTERSTATE COMMERCE, OF IRISH (WHITE) POTATOES GROWN IN LOUISIANA, AND IN CERTAIN DESIGNATED COUNTIES IN ALABAMA, ARKANSAS, CALIFORNIA, FLORIDA, GEORGIA, MARYLAND, MISSISSIPPI, NORTH CAROLINA, OKLAHOMA, SOUTH CAROLINA, TEXAS AND VIRGINIA

Whereas pursuant to Public Act No. 10, 73rd Congress, as amended and as reenacted and further amended by the Agricultural Marketing Agreement Act of 1937, as amended, the Secretary of Agriculture called a public hearing² in connection with a proposed marketing agreement and a proposed order regulating the handling in interstate commerce and such handling as directly burdens, obstructs, or affects interstate commerce, of Irish (white) potatoes grown in the State of Louisiana, and in certain designated counties in the States of Alabama, Arkansas, California, Florida, Georgia, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, and Virginia, to be held in the San Benito City Hall, San Benito, Texas, on April 18, 1938, at 9:30 a. m.; in the McCarthey Hotel, Texarkana, Texas, on April 20, 1938, at 9:30 a. m.; in the Library, Pulaski County Court House, Markham and Broadway Streets, Little Rock, Arkansas, on April 21, 1938, at 9:30 a. m.; in the Court House, Muskogee, Oklahoma, on April 22, 1938, at 9:30 a. m.; in the Court House, Wharton, Texas, on April 18, 1938, at 9:30 a. m.; in Room 300, Association of Commerce Building, 315 Camp Street, New Orleans, Louisiana, on April 20, 1938, at 9:30 a. m.; in the Auditorium, Court House (second floor), Gulfport, Mississippi, on April 21, 1938, at 9:30 a. m.; in the American Legion Hall, Foley, Alabama, on April 23, 1938, at 9:30 a. m.; in the Criminal Court Room, Court House, West Palm Beach, Florida, on April 18, 1938, at 9:30 a. m.; in the Court House, Palatka, Florida, on April 19, 1938, at 9:30 a. m.; in the Court Room, Court House, Springfield, Georgia, on April 20, 1938, at 9:30 a. m.; in the Community Center Auditorium, Community Center Headquarters, Charleston, South Carolina, on April 21, 1938, at 9:30 a. m.; in the Auditorium, Central High School, Painter, Virginia, on April 19, 1938, at 9:30 a. m.; in the Social Hall, Navy Y. M. C. A., 130 Brooke Avenue, Norfolk, Virginia, on April 21, 1938, at 9:30 a. m.; in the High School Auditorium, Washington, North Carolina, on April 22, 1938, at 9:30 a. m.; in the Richland Grammar School Auditorium, Shafter, California, on April 19, 1938, at 9:30 a. m.; and in the Assembly Hall, State Office Building, Los Angeles, California, on April 20, 1938, at 9:30 a. m.; and

¹ 3 F. R. 563 (DI).

² 3 F. R. 837 (DI).

Whereas an amendment has been proposed to the aforementioned marketing agreement and order, which amendment would amend article I, section 1, paragraph 9, by including in the definition of the "Southwestern Area" the county of Hempstead in the State of Arkansas;

Now, therefore, notice is hereby given that when the said hearing convenes at the aforesaid places and times, in addition to the evidence called for in the original notice of hearing dated April 5, 1938, evidence will be received concerning the proposed amendment set forth above.

It is hereby declared that an emergency exists in the handling of potatoes in the aforesaid area and it is hereby determined that the period of notice of the proposed amendment hereby given is reasonable under the circumstances.

Copies of the proposed amendment may be inspected in or procured from the Hearing Clerk, Office of the Solicitor, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

M. L. WILSON,
Acting Secretary of Agriculture.

Dated: April 9, 1938.

[F. R. Doc. 38-1032; Filed, April 11, 1938; 11:25 a. m.]

Bureau of Animal Industry.

[Amendment 18 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

APRIL 1, 1938.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936,¹ the following named counties in States named are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

South Dakota: Hutchinson, April 1, 1941; McCook, April 1, 1941.

Puerto Rico: Cayey, April 1, 1941; Aibonito, April 1, 1941; Comerio, April 1, 1941; Toa Alta, April 1, 1941.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in the States named having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: Chambers, April 1, 1941; Randolph, April 1, 1941.

Arkansas: Cross, April 1, 1941; Lincoln, April 1, 1941; Miller, April 1, 1941; St. Francis, April 1, 1941.

Colorado: Crowley, April 1, 1941; Huerfano, April 1, 1941; Otero, April 1, 1941; Pueblo, April 1, 1941.

Florida: Brevard, April 1, 1941; Lake, April 1, 1941; Orange, April 1, 1941; Seminole, April 1, 1941.

Georgia: Heard, April 1, 1941; Johnson, April 1, 1941; Montgomery, April 1, 1941; Telfair, April 1, 1941; Turner, April 1, 1941; Washington, April 1, 1941; Wheeler, April 1, 1941.

Illinois: Bond, April 1, 1944; Christian, April 1, 1944; Kankakee, April 1, 1941.

Iowa: Adams, April 1, 1944; Madison, April 1, 1944; Cedar, April 1, 1941; Harrison, April 1, 1941; Johnson, April 1, 1941; Webster, April 1, 1941.

Kansas: Smith, April 1, 1941.

Kentucky: Casey, April 1, 1941; Logan, April 1, 1941; Magoffin, April 1, 1941; Meade, April 1, 1941; Shelby, April 1, 1941.

Michigan: Jackson, April 1, 1941; Kent, April 1, 1941; Macomb, April 1, 1941.

Mississippi: Alcorn, April 1, 1941; Carroll, April 1, 1941; Lafayette, April 1, 1941; Marshall, April 1, 1941; Webster, April 1, 1941.

¹ 1 F. R. 1338.

Missouri: Barry, April 1, 1941; Bollinger, April 1, 1941; Madison, April 1, 1941; Stone, April 1, 1941; Wayne, April 1, 1941.

Montana: Custer, April 1, 1940; Gallatin, April 1, 1940; Sanders, April 1, 1940.

North Carolina: Jones, April 1, 1940; Nash, April 1, 1940. Ohio: Scioto, April 1, 1940.

Oklahoma: Alfalfa, April 1, 1940; Greer, April 1, 1940.

Pennsylvania: Montgomery, April 1, 1940.

South Carolina: Abbeville, April 1, 1940; Laurens, April 1, 1940.

Tennessee: Clay, April 1, 1940; Lincoln, April 1, 1940; Wayne, April 1, 1940.

Texas: Brisco, April 1, 1940; Eastland, April 1, 1940; Fayette, April 1, 1940; Floyd, April 1, 1940; Gregg, April 1, 1940; King, April 1, 1940; Kinney, April 1, 1940; Mason, April 1, 1940; Menard, April 1, 1940; San Saba, April 1, 1940.

Virginia: Hanover, April 1, 1940; Prince William, April 1, 1940; Rockbridge, April 1, 1940.

West Virginia: Fayette, April 1, 1940.

Wisconsin: Ashland, April 1, 1940; Bayfield, April 1, 1940; Burnett, April 1, 1940; Douglas, April 1, 1940; Dunn, April 1, 1940; Fond du Lac, April 1, 1940; Green, April 1, 1940; Iowa, April 1, 1941; Iron, April 1, 1941; Outagamie, April 1, 1941; Price, April 1, 1941; Rusk, April 1, 1941; Sawyer, April 1, 1941; Washburn, April 1, 1941; Waukesha, April 1, 1941; Winnebago, April 1, 1941.

Wyoming: Sublette, April 1, 1941.

Declaration No. 12, dated October 1, 1936, as amended,¹ is hereby further amended accordingly.

[SEAL]

J. R. MOHLER,
Chief of Bureau.

[F. R. Doc. 38-1031; Filed, April 11, 1938; 11:25 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

EXEMPTION FROM RADIO REQUIREMENT FOR SMALL PASSENGER VESSELS ENGAGED IN FISHING IN AREAS LYING BETWEEN TAMPA, FLORIDA AND NEW ORLEANS, LOUISIANA

The Commission at a meeting held April 5, 1938, adopted the following Order:

Whereas there are pending before the Commission certain applications for exemption from the provisions of Title III, Part II, of the Communications Act of 1934, as amended by Public No. 97, which applications were filed on behalf of certain sport-fishing passenger vessels of less than 100 gross tons operating along the Gulf Coast in areas lying between Tampa, Florida and New Orleans, Louisiana; and

Whereas it appears that the route and conditions of the voyages and other circumstances are such as to render a radio installation unreasonable or unnecessary for the purpose of Title III, Part II of said Communications Act;

It is ordered, That the sport-fishing passenger vessels, *Betty B. Itasca*, *Athor II*, *Rambler*, *Dorris White*, *Jennie Louise*, *Cavalier*, *Suitsme*, *Sportsman*, *Atlanta*, *Mardale*, *Silver King*, *Geane Bryant*, *Silver Spray*, and *Kathleen*, when navigated not more than 15 miles off shore in the waters between Tampa, Florida and New Orleans, Louisiana, are exempt from the provisions of Title III, Part II, of the Communications Act, as amended, for a period of one year from the date of this Order; and

It is further ordered, That any other sport-fishing passenger vessels of less than 100 gross tons, when navigated not more than 15 miles off shore in waters lying between Tampa, Florida and New Orleans, Louisiana, shall be exempt from the provisions of Title III, Part II, of the Communications Act for a period ending one year from the date of this Order; said period to begin with the date of filing of a written request for said exemption, under oath and in triplicate, with the Inspector in Charge, Federal Communications Com-

mission, 326 Customhouse, New Orleans, Louisiana; 411 Federal Annex, Atlanta, Georgia; or 201 Stovalls Professional Building, Tampa, Florida. The request for such exemption shall include the following information:

Name and owner or applicant.

Name of vessel.

Official number.

Gross tonnage.

Required crew.

Number of passengers permitted.

Trade in which engaged.

Maximum distance navigated from land.

Route vessel normally follows.

Number of passengers normally carried on this (these) route(s).

Period of day and seasons in which vessel is operated.

Reason in detail for requesting exemption.

Provided, however, That the foregoing exemptions shall be specifically subject to such rules and regulations as the Commission may hereafter adopt with regard to the granting of applications without hearing, and, with respect to any ship or ships not specifically named herein, such exemption shall be subject to suspension or cancellation without notice or hearing within 60 days from the date of filing the request for exemption.

By The Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 38-1028; Filed, April 11, 1938; 9:55 a. m.]

FEDERAL HOME LOAN BANK BOARD.

AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL HOME HOME LOAN BANKS

PROVIDING THAT THE BANKS SHALL ACCEPT INSURANCE POLICIES FURNISHED BY BORROWERS WITHOUT DISCRIMINATION BETWEEN POLICIES ISSUED BY INSURANCE COMPANIES OF THE CAPITAL STOCK TYPE OR OF THE MUTUAL TYPE

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Section 17 of the Federal Home Loan Bank Act (12 U. S. C. 1437), Section 41 of the Rules and Regulations for Federal Home Loan Banks is hereby amended by adding at the end thereof a new paragraph numbered (7) to read as follows:

"(7) *Regulations*.—In determining the eligibility of home mortgage collateral, each Bank shall accept insurance policies furnished by the member or non-member borrower if issued by reliable companies licensed to do business where the property covered by the home mortgage collateral is situated without discrimination between policies issued by insurance companies of the capital stock type or of the mutual type."

Adopted by the Federal Home Loan Bank Board on April 8, 1938.

[SEAL]

R. L. NAGLE, Secretary.

[F. R. Doc. 38-1019; Filed, April 9, 1938; 9:50 a. m.]

AMENDMENT TO RULES AND REGULATIONS FOR FEDERAL SAVINGS AND LOAN ASSOCIATIONS

PROVIDING THAT VOLUNTARY REPURCHASES OF FULL PAID INCOME SHARES HELD BY THE SECRETARY OF THE TREASURY WILL BE CREDITED UPON THE PURCHASE REQUESTS WHICH THE SECRETARY OF THE TREASURY IS PERMITTED BY STATUTE TO MAKE

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsections (a) and (j) of Section 5 of the Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (a), 1464 (j)), subsection (d) of Section 37 of the Rules and Regulations for Federal Savings and Loan

¹ 1 F. R. 2024; 3 F. R. 663 (DI).

Associations¹ is hereby amended by adding at the end thereof the following:

"Investments in full paid income shares repaid by an institution voluntarily to the Secretary of the Treasury will be credited upon the next succeeding requests by the Secretary of the Treasury for the retirement or repurchase of such investments from such institution to the extent of such voluntary repayments."

Be it further resolved, That, it being deemed that this amendment is of an emergency character, said amendment shall be effective immediately.

Adopted by the Federal Home Loan Bank Board on April 8, 1938.

[SEAL]

R. L. NAGLE, Secretary.

[F. R. Doc. 38-1020; Filed, April 9, 1938; 9:50 a. m.]

Home Owners' Loan Corporation.

AMENDMENT TO RULES AND REGULATIONS FOR INVESTMENTS BY THE HOME OWNERS' LOAN CORPORATION IN SECURITIES OF SAVINGS AND LOAN ASSOCIATIONS

PROVIDING THAT VOLUNTARY REPURCHASES OF HOLC INVESTMENTS WILL BE CREDITED UPON THE PURCHASE REQUESTS WHICH THE HOME OWNERS' LOAN CORPORATION IS PERMITTED BY STATUTE TO MAKE

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by subsection (k) of Section 4 of the Home Owners' Loan Act of 1933 (12 U. S. C. 1463 (k)), paragraph numbered 4 of the first resolve of the Rules and Regulations for Investments by the Home Owners' Loan Corporation in Securities of Savings and Loan Associations is hereby amended by inserting after the first sentence, the following:

"Investments repaid voluntarily to the Corporation will be credited upon the next succeeding requests by the Corporation for the repurchase or withdrawal of investments from such institution to the extent of such voluntary repayments."

Adopted by the Federal Home Loan Bank Board on April 8th, 1938.

[SEAL]

R. L. NAGLE, Secretary.

[F. R. Doc. 38-1021; Filed, April 9, 1938; 9:50 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. ID-707, ID-739, ID-758, ID-814, ID-464, ID-423, ID-491, ID-686, ID-303, ID-269, ID-432, ID-237, ID-398, ID-839, ID-638, ID-516]

APPLICATIONS OF VICTOR EMANUEL, LOUIS H. SEASRAVE, ARTHUR E. BRAUN, EDWARD W. JUDY, CURTIS S. MITCHELL, FRANK J. HOLUB, LEO F. KANE, OTTO J. WOLFRAM, WINFIELD B. CARSON, CARL J. BRAUN, RICHARD MCCALL, HUGH W. ANNETT, ROSCOE E. HANNA, HOWARD D. MEGAHAN, EDISON W. WASHBAUGH, CHARLES W. LEPPER

ORDER FIXING DATE OF HEARING

APRIL 8, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

It appearing to the Commission that:

(a) Upon applications separately filed by the above-named applicants, pursuant to Section 305 (b) of the Federal Power Act, for authorization to hold certain interlocking positions within the purview of said Section 305 (b), the Commission has heretofore authorized said applicants severally to hold said positions, the order of authorization in each case reserving to the Commission the right to require the applicant to make further showing that neither public nor private interests will be adversely affected by reason of the applicant's holding said positions;

¹ 1 F. R. 2107.

(b) It is in the public interest that each of the above-named applicants make further showing at this time that neither public nor private interests will be adversely affected by reason of his holding said positions;

(c) Such further showing can best be made in the form and manner of a public hearing held for that purpose;

The Commission orders that: A public hearing on said applications be held beginning on May 4, 1938, at 10:00 a. m., in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.; and that at said hearing each of the above-named applicants make further showing that neither public nor private interests will be adversely affected by reason of his holding positions within the purview of Section 305 (b) of the Federal Power Act.

By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 38-1036; Filed, April 11, 1938; 12:23 p. m.]

[Docket Nos. ID-546, ID-468, ID-389, ID-695, ID-252, ID-582, ID-315, ID-285, ID-495]

APPLICATIONS OF ROBERT F. PACK, JOHN J. MOLYNEAUX, HENRY GRENACHER, HAROLD E. YOUNG, THEODORE E. CROCKER, GLEN V. RORK, ROBERT L. CLARK, NOEL H. BUCKSTAFF, ERNEST G. KELLETT

ORDER FIXING DATE OF HEARING

APRIL 8, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

It appearing to the Commission that:

(a) Upon applications separately filed by the above-named applicants, pursuant to Section 305 (b) of the Federal Power Act, for authorization to hold certain interlocking positions within the purview of said Section 305 (b), the Commission has heretofore authorized said applicants severally to hold said positions, the order of authorization in each case reserving to the Commission the right to require the applicant to make further showing that neither public nor private interests will be adversely affected by reason of the applicant's holding said positions;

(b) It is in the public interest that each of the above-named applicants make further showing at this time that neither public nor private interests will be adversely affected by reason of his holding said positions;

(c) Such further showing can best be made in the form and manner of a public hearing held for that purpose;

The Commission orders that: A public hearing on said applications be held beginning on May 9, 1938, at 10 a. m., in room 988, Merchandise Mart, Chicago, Illinois, and that at said hearing each of the above-named applicants make further showing that neither public nor private interests will be adversely affected by reason of his holding positions within the purview of Section 305 (b) of the Federal Power Act.

By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 38-1035; Filed, April 11, 1938; 12:22 p. m.]

[Docket Nos. ID-736, ID-554, ID-249, ID-440, ID-513, ID-732, ID-524, ID-812]

APPLICATIONS OF ARTHUR PETER, FRANK J. PFEIFFER, JOHN W. BARR, JR., JOHN J. McKENNA, ADDISON W. LEE, JR., ROBERT MONTGOMERY, WALTER I. LUKENBILL, EDWIN DOW WOOD

ORDER FIXING DATE OF HEARING

APRIL 8, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

It appearing to the Commission that:

(a) Upon applications separately filed by the above-named applicants, pursuant to Section 305 (b) of the Federal Power Act, for authorization to hold certain interlocking positions

within the purview of said Section 305 (b), the Commission has heretofore authorized said applicants severally to hold said positions, the order of authorization in each case reserving to the Commission the right to require the applicant to make further showing that neither public nor private interests will be adversely affected by reason of the applicant's holding said positions;

(b) It is in the public interest that each of the above-named applicants make further showing at this time that neither public nor private interests will be adversely affected by reason of his holding said positions;

(c) Such further showing can best be made in the form and manner of a public hearing held for that purpose;

The Commission orders that: A public hearing on said applications be held beginning on May 9, 1938, at 10 a. m., in room 988, Merchandise Mart, Chicago, Illinois, and that at said hearing each of the above-named applicants make further showing that neither public nor private interests will be adversely affected by reason of his holding positions within the purview of Section 305 (b) of the Federal Power Act.

By the Commission.

[SEAL]

LEON M. FUQUAY, *Secretary*.

[F. R. Doc. 38-1034; Filed, April 11, 1938; 12:22 p. m.]

[Docket Nos. ID-737, ID-504, ID-555, ID-490, ID-350, ID-327, ID-632, ID-624, ID-124]

APPLICATIONS OF JOHN P. PULLIAM, CHARLES E. KOHLHEPP, CARROLL R. PHENICIE, THEODORE F. KAAP, DONALD W. FABER, J. H. DEINLEIN, HAROLD P. TAYLOR, IRVING P. STEYER, CHAUNCEY M. BREWER

ORDER FIXING DATE OF HEARING

APRIL 8, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

It appearing to the Commission that:

(a) Upon applications separately filed by the above-named applicants, pursuant to Section 305 (b) of the Federal Power Act, for authorization to hold certain interlocking positions within the purview of said Section 305 (b), the Commission has heretofore authorized said applicants severally to hold said positions, the order of authorization in each case reserving to the Commission the right to require the applicant to make further showing that neither public nor private interests will be adversely affected by reason of the applicant's holding said positions;

(b) It is in the public interest that each of the above-named applicants make further showing at this time that neither public nor private interests will be adversely affected by reason of his holding said positions;

(c) Such further showing can best be made in the form and manner of a public hearing held for that purpose;

The Commission orders that: A public hearing on said applications be held beginning on May 9, 1938, at 10 a. m., in room 988, Merchandise Mart, Chicago, Illinois, and that at said hearing each of the above-named applicants make further showing that neither public nor private interests will be adversely affected by reason of his holding positions within the purview of Section 305 (b) of the Federal Power Act.

By the Commission.

[SEAL]

LEON M. FUQUAY, *Secretary*.

[F. R. Doc. 38-1037; Filed, April 11, 1938; 12:22 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3250]

IN THE MATTER OF GOOD HUMOR CORPORATION OF AMERICA, A CORPORATION, JOE LOWE CORPORATION, A CORPORATION, POP-SICLE CORPORATION OF THE UNITED STATES, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 25, 1938, at ten o'clock in the forenoon of that day (eastern standard time) in Room 310, Federal Building, Jacksonville, Florida.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1022; Filed, April 9, 1938; 10:14 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3338]

IN THE MATTER OF ROBERT E. WATERMAN, INDIVIDUALLY AND TRADING AS NATIONAL POTTERY DISTRIBUTORS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, April 29, 1938, at ten o'clock in the forenoon of that day (eastern standard time), Assembly Room, Orange County Court House, third floor, Orlando, Florida.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1024; Filed, April 9, 1938; 10:14 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of April, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3348]

IN THE MATTER OF WALTER JACKSON, TRADING AS JACKSON UNIVERSITY, JACKSON UNIVERSITY OF BUSINESS, EDUCATIONAL FINANCE COMPANY AND WORLD'S DESIRE BUREAU

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 12, 1938, at ten o'clock in the forenoon of that day (central standard time) in Federal Court Room, Federal Building, Chillicothe, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1023; Filed, April 9, 1938; 10:14 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of April, A. D. 1938.

[File Nos. 43-111, 47-22]

IN THE MATTER OF IOWA POWER AND LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with

this Commission by Iowa Power and Light Company, a subsidiary of a registered holding company, regarding the issue and sale, at private sale, of \$5,700,000 principal amount of First Mortgage Bonds, 4% Series due 1968, to provide funds (1) for the repayment of bank loans incurred for additions to its physical properties, (2) to complete additions to its physical property now contemplated or in the course of construction, and (3) for the redemption, in connection with a proposal to merge and consolidate its subsidiary, Des Moines Gas Company, into itself, of the bonds of such subsidiary on September 1, 1938 and, on July 1, 1938, of the preferred stock of such subsidiary outstanding in the hands of the public; said Iowa Power and Light Company, simultaneously with the filing of such declaration, having also filed an application, pursuant to Section 10 of said Act, for approval of the acquisition by it of all the physical properties and other assets of said Des Moines Gas Company through liquidation and dissolution thereof upon the redemption of the preferred stock of such company; and it appearing that the hearings on such declaration and application should be joined and consolidated;

It is ordered, That a hearing on such matter be held on May 3, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is furthermore ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 29, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-1030; Filed, April 11, 1938; 11:04 a. m.]